

REMARKS

In accordance with the foregoing, the specification and claims 35, 36, 41, 44, 84, and 93 have been amended. Claims 10 and 37 have been cancelled without prejudice or disclaimer.

Claims 1-9, 11-24, 35-36, and 41-94 are pending and under consideration.

OBJECTIONS TO THE CLAIMS:

In the Office Action, at page 2, claims 8, 10, 43, 44, and 93 were objected to due to informalities. The claims have been amended addressing the informalities presented in the Office Action. Accordingly, it is respectfully requested that the objections to the claims be withdrawn.

REJECTION UNDER 35 U.S.C. § 102:

In the Office Action, at page 3, claims 1, 5, 7, 8, 10, 11, 15, and 16 were rejected under 35 U.S.C. § 102 in view of U.S. Patent No. 5,537,387 to Ando ("Ando"). This rejection is traversed and reconsideration is requested.

Ando generally describes a storage disk with display data recorded in a lead-in region and an apparatus for recording and/or reproducing the disc. A magneto-optical disc 30, conforming to the CD standard, includes a recordable MO region 32 on the outer side of a reproduce-only CD region 31, as shown in FIG. 4. See column 6, lines 17-31 of Ando. The CD region 31 includes a CD data region 33 in which data per se, such as play data, is recorded, and a CD lead-in region 34 provided on the inner periphery side of the CD data region. The MO region 32 includes an MO data region 35 in which data per se such as play data may be recorded, and an MO lead-in region 36 provided on the inner periphery side of the MO data region.

In turn, independent claim 1 of the present application recites, "a read-only storage area; a writable storage area; a read-only lead-in area having first control information for both the read-only and writable storage areas; and a writable lead-in area having second control information relating to the writable storage area." According to the Office Action, Ando describes the read-only storage area (CD region 31), the writable storage area (recordable MO region 32), a read-only lead-in area (CD lead-in region 34), and the writable lead-in area (MO lead-in region 36). According to Ando, the CD lead-in region 34 (the read-only lead-in area) has recorded therein TOC data indicating recording positions of the CD data region 33, time codes indicating

the start position of the MO lead-in region 36 (the writable lead-in area, according to the Office Action), a time code of the MO data region 35, characteristics data of the MO region 32 (the writable storage area, according to the Office Action), and data of the CD data region 33. See column 6, line 32, to column 7, line 67 of Ando. However, the CD lead-in region 34 (the read-only lead-in area) fails to teach or suggest, "a read-only lead-in area having first control information for both the read-only and writable storage areas," as recited in independent claim 1.

Nothing in table 2 of Ando teaches or suggests that the CD lead-in region 34 includes first control information for both, the CD region 31 and the recordable MO region 32. In addition, Ando fails to teach or suggest having first control information; rather, Ando merely describes storing different types of data and time codes for various areas of the CD lead-in region 34.

Similarly, Ando fails to teach or suggest, "a writable lead-in area having second control information relating to the writable storage area," as recited in independent claim 1. Ando provides the MO lead-in region 36 indicating recording positions for the MO data region 35. Accordingly, Ando fails to teach or suggest all the claimed features of independent claim 1. It is respectfully requested that independent claim 1 and related dependent claims 5, 7, 8, 10, 11, 15, and 16 be allowed.

In the Office Action, at page 5, claims 45, 46, 48, 52-54, 63, 66-68, and 73-75 were rejected under 35 U.S.C. § 102 in view of U.S. Patent No. 5,537,387 to Ando ("Ando"). This rejection is traversed and reconsideration is requested.

Ando provides a system controller 19 performing a **playback control** by storing **TOC data indicating the recording positions in the data region 2** of the optical disc 1 afforded as the subcoded Q-channel signals supplied from the playback processing section 14, that is, the time code $TC_{START(N)}$ indicating the start position of each air, song number of a first song TNO_{LOWEST} , an air number of the last song $TNO_{HIGHEST}$, and a time code $TC_{LEAD-OUT}$ indicating the end position of the last song, in a TOC memory 20, supervising the playback position on the basis of the TOC data, and by reproducing a song bearing a song number designated by the operation of, for example, a key input operating section 21. Emphasis added. See column 5, lines 26-46 of Ando. However, contrary to the assertions made in the Office Action, instead of teaching or suggesting, "a system controller which generates identification information to indicate that the optical recording medium is a hybrid disc having the read-only storage area and the writable storage area," as recited in independent claim 45, the TOC data of Ando solely indicates the recording positions of the data region 2, time codes indicating the start and end

positions of a song, and reproducing a song bearing a song number.

Similarly, Ando fails to teach or suggest, "a recording and/or reproducing unit which records or reads data from the read-only storage area and the writable storage area **based on the generated identification information** which is stored in a lead-in area of the read-only storage area," emphasis added, as recited in independent claim 45. Ando is silent as to teaching or suggesting such claimed feature. Accordingly, it is respectfully requested that independent claim 45 and related dependent claims be allowed.

Referring to independent claim 66, this claim recites, "generating identification information to indicate that the optical recording medium is a hybrid disc having the read-only storage area and the writable storage area; and recording the generated identification information in a lead-in area of the read-only storage area." Because the claimed features recited in independent claim 66 correspond to the claimed features of independent claim 45, although having different scope, the arguments presented above supporting the patentability of independent 45 are incorporated herein to support the patentability of independent claim 66. Accordingly, it is respectfully requested that independent claim 66 and related dependent claims be allowed.

In the Office Action, at page 8, claims 66-68 and 73-75, which correspond to claims 45, 46, 48, and 52-54, were rejected under 35 U.S.C. § 102 in view of U.S. Patent No. 5,537,387 to Ando ("Ando"). This rejection is traversed and reconsideration is requested.

The arguments presented above supporting the patentability of independent claim 66 are incorporated herein. It is respectfully requested that independent claim 66 and related dependent claims be allowed.

In the Office Action, at page 8, claim 65 was rejected under 35 U.S.C. § 102 in view of U.S. Patent No. 5,537,387 to Ando ("Ando"). This rejection is traversed and reconsideration is requested.

Contrary to the assertions made in the Office Action, Ando fails to teach or suggest, "a system controller which **controls a reference linear velocity** of the reproducing unit for **reproduction** of the data in the read-only storage area **to be the same** as a **reference linear velocity** for reproduction of the data in an innermost part of the writable storage area," emphasis added, as recited in independent claim 65. Rather, Ando provides a spindle motor servo control circuit servo controlling a spindle motor 47 so that the magneto-optical disc 30 will be rotationally

driven at a predetermined rotational velocity. See column 9, lines 29-33 of Ando. Nothing in Ando teaches or suggests **controlling** “a reference linear velocity of the reproducing unit for reproduction of the data in the read-only storage area to be the same as a reference linear velocity for reproduction of the data in an innermost part of the writable storage area,” as recited in independent claim 65. Although Ando may provide a system controller 19, an optical head 12, a CD region 31, and a recordable MO region 32 that alone does not teach or suggest the claimed features of independent claim 65. Accordingly, it is respectfully asserted that independent claim 65 is patentable.

In the Office Action, at page 9, claims 84-86 and 90 were rejected under 35 U.S.C. § 102 in view of U.S. Patent No. 5,537,387 to Ando (“Ando”). This rejection is traversed and reconsideration is requested.

Independent claim 84 recites, “reproducing data from an optical recording medium having a read-only storage area at an inner part of the optical recording medium and a writable storage area at an outer part of the optical recording medium; storing identification information in a lead-in area of the read-only storage area to indicate that the optical recording medium is a hybrid disc having the read-only storage area and the writable storage area; reading the identification information from the lead-in area of the read-only storage area; and reading data from the read-only and writable storage areas based upon the identification information.” Because the claimed features recited in independent claim 84 correspond to the claimed features of independent claim 45, although of different scope, the arguments presented above supporting the patentability of independent 45 are incorporated herein to support the patentability of independent claim 84. Accordingly, it is respectfully requested that independent claim 84 and related dependent claims be allowed.

In the Office Action, at page 11, claim 92 was rejected under 35 U.S.C. § 102 in view of U.S. Patent No. 5,537,387 to Ando (“Ando”). This rejection is traversed and reconsideration is requested.

Independent claim 92 recites, “reproducing data from the read-only storage area and the writable storage area; and controlling a reference linear velocity for reproduction of the data in the read-only storage area to be the same as a reference linear velocity for recording or reproduction of the data in an innermost part of the writable storage area.” Because the claimed features recited in independent claim 92 correspond to the claimed features of independent claim 65, although of different scope, the arguments presented above supporting the

patentability of independent 65 are incorporated herein to support the patentability of independent claim 92. Accordingly, it is respectfully requested that independent claim 92 and related dependent claims be allowed.

In the Office Action, at page 12, claims 35-37 were rejected under 35 U.S.C. § 102 in view of U.S. Patent No. 6,160,787 to Marquardt, Jr. et al. ("Marquardt"). This rejection is traversed and reconsideration is requested.

Marquardt describes a double sided data storing compact disc for optically recorded data having data surfaces that are separated by a thin film of wavelength selective material that passes light of one frequency and reflects light of a second frequency. See abstract of Marquardt. Independent claim 35 has been amended incorporating the claimed features of original dependent claim 37. Upon review of the Office Action, Applicants note that the claimed features of original dependent claim 37 were not addressed in the Office Action. It is the Applicants' position that Marquardt fails to teach or suggest, "the read-only storage area comprises a lead-in area having first control information for both the read-only and writable storage areas, and the writable storage area comprises a lead-in area having second control information relating to the writable storage area," as recited in independent claim 35. Marquardt limits its description to providing upper level pits and lands 11 and lower level pits and lands 17. See column 3, lines 1-27 of Marquardt. However, nothing in Marquardt teaches or suggests that either the upper level pits and lands 11 or the lower level pits and lands 17 have "first control information for both the read-only and writable storage areas," and "second control information relating to the writable storage area," as recited in independent claim 35. Accordingly, because Marquardt fails to teach or suggest all the claimed features of independent claim 35, it is respectfully requested that independent claim 35 and related dependent claim 36 be allowed.

REJECTION UNDER 35 U.S.C. § 103:

In the Office Action, at page 13, claims 2, 3, and 9 were rejected under 35 U.S.C. § 103 in view of Ando and U.S. Patent No. 6,466,735 to Kozuka et al. ("Kozuka"). The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Because claims 2, 3, and 9 depend from base claim independent claim 1, Ando and Kozuka, individually or combined, must teach all the claimed features of independent claim 1.

The arguments presented above supporting the patentability of independent claim 1 in view of Ando are incorporated herein. Kozuka describes a firmware referring to a lead-in area, a volume area, and a lead-out area, which controls a spindle motor and an actuator of a pickup. See column 6, lines 48-52 of Kozuka. The lead-in area stores operation stabilization data, which is used when the disk reproduction apparatus starts reading data from the optical disk. However, same as Ando, Kozuka fails to teach or suggest, "a read-only lead-in area having first control information for **both** the read-only and writable storage areas; and a writable lead-in area having second control information relating to the writable storage area," emphasis added, as recited in independent claim 1. Ando and Kozuka, individually or combined, fail to teach such claimed features recited in independent claim 1.

The Office Action provides absolutely no motivation to combine the cited references. Rather, conclusive statements are made such as "it would have been obvious to one of ordinary skill in the art at the time of the invention to reserve a lead-in and a lead-out area on Ando's disc similar to Kozuka's, because the reserve area such as the lead-out area can be used to store management information." However, "rejection of patent application for obviousness under 35 USC §103 must be based on evidence comprehended by language of that section, and search for and analysis of prior art includes evidence relevant to finding of whether there is teaching, motivation, or suggestion to select and combine references relied on as evidence of obviousness; factual inquiry whether to combine references must be thorough and searching, based on objective evidence of record." In re Lee 61 USPQ2d 1430 (CA FC 2002)

Thus, as pointed out in In re Lee, the record must support motivation, i.e., there must be something in the record pointing out where the recited motivation can be found. In addition, there must be some discussion on how that purported motivation or suggestion is even relevant to the reference being modified.

Only the present invention sets forth all the claimed features, as well as the motivation for combining the same. The outstanding rejection would appear to have taken this teaching of the present invention and applied the same to generate a combination of Ando and Kozuka, as set forth in the Office Action, to disclose the presently claimed invention. Applicant respectfully asserts that the prima facie burden has not been met and the obviousness rejection fails on its face. Accordingly, it is respectfully requested that independent claim 1 and related dependent claims be allowed.

In the Office Action, at page 15, claims 4, 6, 19, and 21 were rejected under 35 U.S.C. §

103 in view of Ando and Kozuka. The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Because claims 4, 6, 19, and 21 depend from base claim independent claim 1, Ando and Kozuka, individually or combined, must teach all the claimed features of independent claim 1. The arguments presented above supporting the patentability of independent claim 1 in view of Ando and Kozuka are incorporated herein. It is respectfully requested that independent claim 1 and related dependent claims be allowed.

In the Office Action, at page 17, claims 12 and 13 were rejected under 35 U.S.C. § 103 in view of Ando and Kozuka. The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Because claims 12 and 13 depend from base claim independent claim 1, Ando and Kozuka, individually or combined, must teach all the claimed features of independent claim 1. The arguments presented above supporting the patentability of independent claim 1 in view of Ando and Kozuka are incorporated herein. It is respectfully requested that independent claim 1 and related dependent claims be allowed.

In the Office Action, at page 18, claim 14 was rejected under 35 U.S.C. § 103 in view of Ando and Kozuka. The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Because claim 14 depends from independent claim 1, Ando and Kozuka, individually or combined, must teach all the claimed features of independent claim 1. The arguments presented above supporting the patentability of independent claim 1 in view of Ando and Kozuka are incorporated herein. It is respectfully requested that independent claim 1 and related dependent claims be allowed.

In the Office Action, at page 19, claims 17, 18, 55, and 56 were rejected under 35 U.S.C. § 103 in view of Ando. The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Claims 17 and 18 depend from independent claim 1 and claims 55 and 56 depend from base claim independent claim 45. Because the patentability of independent claims 1 and 45 have been previously discussed in view of Ando, the arguments presented above supporting the patentability of independent claims 1 and 45 in view of Ando are incorporated herein.

According to the Office Action, without providing any basis from a reference, it is

conclusively asserted that "it would have been obvious to one of ordinary skill in the art at the time of the invention to optionally specify the addresses of control information such as format address and disc identification in a lead-in area which has a zero starting address." However, the MPEP as well as recent case law further supports this requirement of any reliance of Official Notice be specific and detailed as to what is being relied upon and how.

Regarding Official Notice, on remand from the Supreme Court, the Federal Circuit in In re Zurko, 258 F.3d 1379, 59 USPQ2d 1693 (Fed. Cir. 2001), reversed the decision of the Board of Patent Appeals and Interferences ("Board") to uphold a rejection under 35 USC §103 for lack of substantial evidence. Specifically, in Zurko and other recent decisions, the court criticized the USPTO's, both at the Board and Examiner level, reliance on "basic knowledge" or "common sense" to support an obviousness rejection, where there was no evidentiary support in the record for such a finding.

While "official notice" may be relied upon, as noted in MPEP §2144.03, these circumstances should be rare when an application is under final rejection or action under 37 CFR §1.113. Official Notice unsupported by documentary evidence should be only be taken by the Examiner where the facts asserted to be well known, or to be common knowledge in the art are capable of instant and unquestionable demonstration as being well-known and only when such facts are of notorious character and serve only to "fill in the gaps" which might exist in the evidentiary showing made by the Examiner to support a particular ground of rejection. **Further, the applicant should be presented with the explicit basis on which the Examiner regards the matter as subject to official notice sufficient to allow the applicant a proper opportunity to challenge that assertion.**

It is improper to merely deem something obvious without any teaching/suggestion, or the taking of Judicial Notice. If the U.S. Patent and Trademark Office wishes to take Judicial Notice that the proposed structural and functional modification is notoriously well known, it is respectfully requested that supporting evidence be provided. **The Federal Circuit has cautioned that an Examiner must show reasons that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited prior art references for combination in the manner claimed.** In re Rouffet, 47 USPQ2d 1453, 1458 (Fed. Cir. 1998).

Thus, both the MPEP and recent case law specifically detail that whenever Official Notice is taken, which should be on very rare occasions, the Office Action must provide the explicit support for the reliance on Official Notice "to allow the applicant a proper opportunity to challenge that assertion."

The outstanding Office Action has provided no explicit support of what the purported well-known features encompass or how the determination of those features as being well known

has been determined. Rather, the Office Action only cites Ando, without pointing how the claimed features have been determined as being well known.

Only the present invention sets forth all the claimed features, as well as the motivation for combining the same. The outstanding rejection would appear to have taken the teachings of the present invention such that a combination of "well known features" and Ando, as set forth in the Office Action, would disclose the presently claimed invention. See W.L. Gore & Assocs. Inc. v. Garlock, Inc., 721 F.2d 1540, 1553, 220 USPQ 303, 312-13 (Fed. Cir. 1983). It is respectfully requested that independent claims 1 and 45 and related dependent claims be allowed.

In the Office Action, at page 20, claims 20, 22, 57, and 59 were rejected under 35 U.S.C. § 103 in view of Ando and Kozuka. The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Because claims 20 and 22 depend from base claim independent claim 1, Ando and Kozuka, individually or combined, must teach all the claimed features of independent claim 1. The arguments presented above supporting the patentability of independent claim 1 in view of Ando and Kozuka are incorporated herein. Further, because claims 57 and 59 depend from base claim independent claim 45, Ando and Kozuka, individually or combined, must teach all the claimed features of independent claim 45. The arguments presented above supporting the patentability of independent claim 45 in view of Ando are incorporated herein.

Kozuka describes a sector header area used for identifying each sector address, a user data area for storing 2 KB-data, and an error correction code storing area for storing an error correction code for the user data area in the same sector. See column 5, lines 50-59 of Kozuka. Kozuka describes a firmware referring to a lead-in area, a volume area, and a lead-out area, which controls a spindle motor and an actuator of a pickup. See column 6, lines 48-52 of Kozuka. The firmware identifies the logical blocks by their serial numbers, which are put to consecutive physical sectors with the first physical sector in the data recording area as number 0. However, nothing in Kozuka teaches or suggests, "a system controller which generates identification information to indicate that the optical recording medium is a hybrid disc having the read-only storage area and the writable storage area; and a recording and/or reproducing unit which records or reads data from the read-only storage area and the writable storage area based on the generated identification information which is stored in a lead-in area of the read-only storage area," as recited in independent claim 45. Thus, a combination of Ando and

Kozuka would fail to teach or suggest all the claimed features of independent claim 45 as both references are silent as to generating "identification information to indicate that the optical recording medium is a hybrid disc having the read-only storage area and the writable storage area" and recording or reading "data from the read-only storage area and the writable storage area based on the generated identification information which is stored in a lead-in area of the read-only storage area," as recited in independent claim 45.

In addition, on the bottom half of page 21, the Office Action correctly recognized that the claimed features of claims 20, 22, 57, and 59 are not taught by Ando and Kozuka, individually or combined, accordingly, the Office Action conclusively asserts that the claimed features of claims 20, 22, 57, and 59 are obvious. The arguments presented above for improper motivation are incorporated herein. Also, an Affidavit or a reference evidencing motivation, or withdrawal of the rejection to the claims is hereby requested. It is respectfully requested that independent claims 1 and 45 and related dependent claims be allowed.

In the Office Action, at page 22, claims 23 and 24 were rejected under 35 U.S.C. § 103 in view of Ando and U.S. Patent No. 6,243,338 to Mine ("Mine"). The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Because claims 23 and 24 depend from base claim independent claim 1, Ando and Mine, individually or combined, must teach all the claimed features of independent claim 1. The arguments presented above supporting the patentability of independent claim 1 in view of Ando are incorporated herein.

Mine describes a WBBM recorded in a lead-in area of a rewritable disc. See abstract of Mine. The WBBM is a bit map that represents whether each block that is a record/reproduction data unit is a recorded block or a non-recorded block. In the rewritable areas on the inner periphery side and the outer periphery side of the user area, a guard zone, a disc test zone, a drive test zone, and a DMA (defect management area) are formed. See column 6, lines 1-8 of Mine. The guard zone is formed so as to allow data written to the disc test zone and DMA to synchronize with a write clock. The disc test zone is formed so as to check the disc condition. The drive test zone is formed so as to check the condition of the recording/reproducing drive. However, similarly to Ando, Mine is silent as to teaching or suggesting, "a read-only lead-in area having first control information for both the read-only and writable storage areas; and a writable lead-in area having second control information relating to the writable storage area," as recited in

independent claim 1. Accordingly, it is respectfully requested that independent claim 1 and related dependent claims be allowed.

The Office Action, once again, conclusively asserts that it would have been obvious to combine the references “because by including the defect management zone and drive test zone in Ando’s lead-in area, the reading/writing of data from/on a sector without knowing its condition before can be prevented.” However, as previously discussed, a rejection of a patent application for obviousness under 35 USC §103 must be based on evidence. Accordingly, it is respectfully requested that evidence be provided supporting the combination of the references.

In the Office Action, at page 23, claims 41, 42, and 93 were rejected under 35 U.S.C. § 103 in view of Ando and Kozuka. The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

According to Ando, a reproduce-only optical disc 1, shown for example in FIG. 1, has a lead-in region 3 on the radially inner side of a data region 2 on which data such as play data are recorded. Further, table 2 is provided showing record contents of the magneto-optical disc 30 recorded in the CD lead-in region provided in the inner periphery side of the CD data region. See column 6, lines 25-47 of Ando. However, Ando fails to teach or suggest “a read-only storage area having a lead-in area and a data area; and a **writable storage area having a lead-in area and a data area**, wherein **the lead-in area of read-only storage area comprises physical format information for the read-only storage area and the writable storage**,” emphasis added, as recited in independent claim 41. Rather, only the CD region 31 includes the CD lead-in region 34 and nothing in Ando teaches or suggests that the lead-in area includes physical format information for the read-only storage area and the writable storage. The Office Action correctly recognized that Ando fails to teach or suggest that the disc is a DVD disc.

Kozuka describes layer constructions of the ROM information layer 109a and the RAM information layer 109b. Each layer construction of the ROM layer and the RAM layer is composed of a physical layer having a logical construction for a firmware provided in the disk reproduction apparatus, a file layer having a logical construction of a file system, and an application layer for recording application software of the file system. The lead-in area stores operation stabilization data, which is used when the disk reproduction apparatus starts reading data from the optical disk. The lead-out area informs the disk reproduction apparatus of the end of reproduction and does not store meaningful data. However, similarly to Ando, Kozuka fails to teach or suggest, “the lead-in area of read-only storage area comprises physical format

information for the read-only storage area and the writable storage,” as recited in independent claim 41. Accordingly, even assuming, arguendo, that the descriptions provided in Ando and Kozuka were combined, all the claimed features recited in independent claim 41 would not be taught.

Referring to independent claim 93, this claim recites, “controlling the data in the DVD-ROM area and the DVD-RAM area based upon the read first control information.” As previously set forth, Ando and Kozuka fail to provide control information that would control the data in the DVD-ROM area and the DVD-RAM area. Accordingly, it is respectfully requested that independent claims 41 and 93 and related dependent claims be allowed. Further, it is respectfully requested that evidence be provided supporting the combination of the references for the reasons previously set forth in this Amendment.

In the Office Action, at page 25, claims 43, 44, and 94 were rejected under 35 U.S.C. § 103 in view of Ando, Kozuka, and Mine. The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Because claims 43 and 44 depend from base claim independent claim 41, Ando, Kozuka, and Mine, individually or combined, must teach all the claimed features of independent claim 41. Similarly, because claim 94 depends from independent claim 93, Ando, Kozuka, and Mine, individually or combined, must teach all the claimed features of independent claim 93. The arguments presented above supporting the patentability of independent claims 41 and 93 in view of Ando and Kozuka are incorporated herein.

Mine describes a WBBM is recorded in a lead-in area of a rewritable disc. The WBBM is a bit map that represents whether each block that is a record/reproduction data unit is a recorded block or a non-recorded block. See abstract of Mine. When a plurality of WBBMs is ring-structured and the WBBMs are successively updated, the write operation can be prevented from being concentrated to the same area. In addition, a destroyed WBBM due to a power failure or the like can be restored. Mine fails to teach or suggest, “the lead-in area of read-only storage area comprises physical format information for the read-only storage area and the writable storage,” as recited in independent claim 41. Further, similarly to Ando and Kozuka, Mine is silent as to teaching or suggesting, “reading the first control information from the lead-in area of the DVD-ROM area; and controlling the data in the DVD-ROM area and the DVD-RAM area based upon the read first control information,” as recited in independent claim 93.

Accordingly, even assuming, arguendo, that the descriptions provided in Ando, Kozuka,

and Mine were combined, all the claimed features recited in independent claims 41 and 93 would not be taught. Thus, it is respectfully requested that independent claims 41 and 93 and related dependent claims be allowed. Further, it is respectfully requested that evidence be provided supporting the combination of the references for the reasons previously set forth in this Amendment.

In the Office Action, at page 26, claim 94 was rejected under 35 U.S.C. § 103 for the same reasons as for claims 43 and 44. The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Because dependent claim 94 depends from independent claim 93, Ando, Kozuka, and Mine, individually or combined, must teach all the claimed features of independent claim 93. The arguments presented above supporting the patentability of independent claim 93 in view of Ando, Kozuka, and Mine are incorporated herein.

In the Office Action, at page 27, claims 47, 49, 61, 62, 70, 82, 83, 88, and 91 were rejected under 35 U.S.C. § 103 in view of Ando and Mine. The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Because dependent claims 47, 49, 61, 62, 70, 82, and 83 depend from independent claim 66, Ando and Mine, individually or combined, must teach all the claimed features of independent claim 66. The arguments presented above supporting the patentability of independent claim 66 in view of Ando are incorporated herein.

Mine describes in the rewritable areas on the inner periphery side and the outer periphery side of the user area, a guard zone, a disc test zone, a drive test zone, and a DMA (defect management area) are formed. See column 6, lines 1-8 of Mine. However, similarly to Ando, Mine fails to teach or suggest, "generating identification information to indicate that the optical recording medium is a hybrid disc having the read-only storage area and the writable storage area; and recording the generated identification information in a lead-in area of the read-only storage area," as recited in independent claim 66. Thus, even assuming, arguendo, that the descriptions provided in Ando and Mine were combined, all the claimed features recited in independent claim 66 would not be taught. Thus, it is respectfully requested that independent claim 66 and related dependent claims be allowed.

Because dependent claims 88 and 91 depend from independent claim 84, Ando and

Mine, individually or combined, must teach all the claimed features of independent claim 84. The arguments presented above supporting the patentability of independent claim 84 in view of Ando are incorporated herein.

Mine describes in the rewritable areas on the inner periphery side and the outer periphery side of the user area, a guard zone, a disc test zone, a drive test zone, and a DMA (defect management area) are formed. See column 6, lines 1-8 of Mine. However, similarly to Ando, Mine fails to teach or suggest, "storing identification information in a lead-in area of the read-only storage area to indicate that the optical recording medium is a hybrid disc having the read-only storage area and the writable storage area; reading the identification information from the lead-in area of the read-only storage area; and reading data from the read-only and writable storage areas based upon the identification information," as recited in independent claim 84. Thus, even assuming, arguendo, that the descriptions provided in Ando and Mine were combined, all the claimed features recited in independent claim 84 would not be taught. Thus, it is respectfully requested that independent claim 84 and related dependent claims be allowed.

Further, it is respectfully requested that evidence be provided supporting the combination of the references for the reasons previously set forth in this Amendment.

In the Office Action, at page 28, claims 82, 83, 88, and 91 were rejected under 35 U.S.C. § 103 for the same reasons as for claims 61 and 62. The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Because dependent claims 82, and 83 depend from independent claim 66, Ando and Mine, individually or combined, must teach all the claimed features of independent claim 66. The arguments presented above supporting the patentability of independent claim 66 in view of Ando are incorporated herein.

Because dependent claims 88 and 91 depend from independent claim 84, Ando and Mine, individually or combined, must teach all the claimed features of independent claim 84. Independent claim 84 recites, "reproducing data from an optical recording medium having a read-only storage area at an inner part of the optical recording medium and a writable storage area at an outer part of the optical recording medium; storing identification information in a lead-in area of the read-only storage area to indicate that the optical recording medium is a hybrid disc having the read-only storage area and the writable storage area; reading the identification information from the lead-in area of the read-only storage area; and reading data from the read-

only and writable storage areas based upon the identification information.” Because the claimed features recited in independent claim 84 recite similar features as recited in independent claim 45, although of different scope, the arguments presented above supporting the patentability of independent 45 are incorporated herein to support the patentability of independent claim 84. Accordingly, it is respectfully requested that independent claim 84 and related dependent claims be allowed.

Further, it is respectfully requested that evidence be provided supporting the combination of the references for the reasons previously set forth in this Amendment.

In the Office Action, at page 25, claims 50 and 71 were rejected under 35 U.S.C. § 103 in view of Ando and Kozuka. The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Because dependent claim 50 depends from independent claim 45, Ando and Kozuka, individually or combined, must teach all the claimed features of independent claim 45. The arguments presented above supporting the patentability of independent claim 45 in view of Ando and Kozuka are incorporated herein. Further, because dependent claim 71 depends from independent claim 66, Ando and Kozuka, individually or combined, must teach all the claimed features of independent claim 66. The arguments presented above supporting the patentability of independent claim 66 in view of Ando are incorporated herein.

Kozuka describes a firmware referring to a lead-in area, a volume area, and a lead-out area, which controls a spindle motor and an actuator of a pickup. See column 6, lines 48-52 of Kozuka. The lead-in area stores operation stabilization data, which is used when the disk reproduction apparatus starts reading data from the optical disk. However, same as Ando, Kozuka fails to teach or suggest, “generating identification information to indicate that the optical recording medium is a hybrid disc having the read-only storage area and the writable storage area; and recording the generated identification information in a lead-in area of the read-only storage area,” as recited in independent claim 66. Ando and Kozuka, individually or combined, fail to teach such claimed features recited in independent claim 66 and related dependent claims.

Further, it is respectfully requested that evidence be provided supporting the combination of the references for the reasons previously set forth in this Amendment.

In the Office Action, at page 30, claims 51, 64, 72, and 87 were rejected under

35 U.S.C. § 103 in view of Ando and Kozuka. The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Because dependent claim 51 and 64 depends from independent claim 45, Ando and Kozuka, individually or combined, must teach all the claimed features of independent claim 45. The arguments presented above supporting the patentability of independent claim 45 in view of Ando and Kozuka are incorporated herein. Further, because dependent claim 72 depends from independent claim 66, Ando and Kozuka, individually or combined, must teach all the claimed features of independent claim 66. The arguments presented above supporting the patentability of independent claim 66 in view of Ando and Kozuka are incorporated herein.

Further, because dependent claim 87 depends from independent claim 84, Ando and Kozuka, individually or combined, must teach all the claimed features of independent claim 84. The arguments presented above supporting the patentability of independent claim 84 in view of Ando are incorporated herein. Kozuka describes a firmware referring to a lead-in area, a volume area, and a lead-out area, which controls a spindle motor and an actuator of a pickup. See column 6, lines 48-52 of Kozuka. The lead-in area stores operation stabilization data, which is used when the disk reproduction apparatus starts reading data from the optical disk. However, same as Ando, Kozuka fails to teach or suggest, "storing identification information in a lead-in area of the read-only storage area to indicate that the optical recording medium is a hybrid disc having the read-only storage area and the writable storage area; reading the identification information from the lead-in area of the read-only storage area; and reading data from the read-only and writable storage areas based upon the identification information," as recited in independent claim 84. Ando and Kozuka, individually or combined, fail to teach such claimed features recited in independent claim 66 and related dependent claims.

Further, it is respectfully requested that evidence be provided supporting the combination of the references for the reasons previously set forth in this Amendment.

In the Office Action, at page 31, claim 87 was rejected under 35 U.S.C. § 103 for the same reasons as for claims 61 and 62. The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Because dependent claim 87 depend from independent claim 84, Ando and Mine, individually or combined, must teach all the claimed features of independent claim 84. The arguments presented above supporting the patentability of independent claim 84 in view of Ando

are incorporated herein. Ando and Mine, individually or combined, fail to teach such claimed features recited in independent claim 84 and related dependent claims. It is respectfully requested that independent claim 84 and related dependent claims be allowed.

Further, it is respectfully requested that evidence be provided supporting the combination of the references for the reasons previously set forth in this Amendment.

In the Office Action, at page 31, claims 58, 60, 78, 80, and 89 were rejected under 35 U.S.C. § 103 in view of Ando and Kozuka. The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Because dependent claims 58 and 60 depend from independent claim 45, Ando and Kozuka, individually or combined, must teach all the claimed features of independent claim 45. The arguments presented above supporting the patentability of independent claim 45 in view of Ando and Kozuka are incorporated herein. Ando and Kozuka, individually or combined, fail to teach such claimed features recited in independent claim 45 and related dependent claims. It is respectfully requested that independent claim 45 and related dependent claims be allowed.

Because dependent claims 78 and 80 depend from independent claim 66, Ando and Kozuka, individually or combined, must teach all the claimed features of independent claim 66. The arguments presented above supporting the patentability of independent claim 66 in view of Ando and Kozuka are incorporated herein. Ando and Kozuka, individually or combined, fail to teach such claimed features recited in independent claim 66 and related dependent claims. It is respectfully requested that independent claim 66 and related dependent claims be allowed.

Because dependent claim 89 depends from independent claim 84, Ando and Kozuka, individually or combined, must teach all the claimed features of independent claim 84. The arguments presented above supporting the patentability of independent claim 84 in view of Ando and Kozuka are incorporated herein. Ando and Kozuka, individually or combined, fail to teach such claimed features recited in independent claim 84 and related dependent claims. It is respectfully requested that independent claim 84 and related dependent claims be allowed.

Further, it is respectfully requested that evidence be provided supporting the combination of the references for the reasons previously set forth in this Amendment.

In the Office Action, at page 33, claims 78, 80, and 89 were rejected under 35 U.S.C. § 103 for the same reasons as for claims 58 and 60. The reasons for the rejection are set forth in

the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Claims 58 and 60 were rejected in view of Ando and Kozuka. Because dependent claims 78 and 80 depend from independent claim 66, Ando and Kozuka, individually or combined, must teach all the claimed features of independent claim 66. The arguments presented above supporting the patentability of independent claim 66 in view of Ando and Kozuka are incorporated herein. Ando and Kozuka, individually or combined, fail to teach such claimed features recited in independent claim 66 and related dependent claims. It is respectfully requested that independent claim 66 and related dependent claims be allowed.

Because dependent claim 89 depends from independent claim 84, Ando and Kozuka, individually or combined, must teach all the claimed features of independent claim 84. The arguments presented above supporting the patentability of independent claim 84 in view of Ando and Kozuka are incorporated herein. Ando and Kozuka, individually or combined, fail to teach such claimed features recited in independent claim 84 and related dependent claims. It is respectfully requested that independent claim 84 and related dependent claims be allowed.

Further, it is respectfully requested that evidence be provided supporting the combination of the references for the reasons previously set forth in this Amendment.

In the Office Action, at page 33, claim 69 was rejected under 35 U.S.C. § 103 in view of Ando and Mine. The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Because dependent claim 69 depends from independent claim 66, Ando and Mine, individually or combined, must teach all the claimed features of independent claim 66. The arguments presented above supporting the patentability of independent claim 66 in view of Ando and Mine are incorporated herein. Ando and Mine, individually or combined, fail to teach such claimed features recited in independent claim 66 and related dependent claims. It is respectfully requested that independent claim 66 and related dependent claims be allowed.

Further, it is respectfully requested that evidence be provided supporting the combination of the references for the reasons previously set forth in this Amendment.

CONCLUSION:

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance, which action is earnestly solicited.


If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 09/25/2003

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